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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,518	12/20/2001	Amir Shay	2628/1	2859

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EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,518

Applicant(s)

SHAY, AMIR

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RD

DETAILED ACTION

1. Claims 46-57 are presented for the examination. Claims 1-45 are cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 57 is rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 57 is directed to method step, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia receiving, transmitting, aggregating providing, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061). Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **46-50, 52-54, 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shyu (US. Patent 5,428,544).

5. As to claim **46**, Shyu teaches the invention substantially as claimed including: a plurality of moving vehicles (the passing vehicles, col 1, ln 10-15/ three vehicles a1, a2, and b equipped, col 2, ln 19-24), at least one communication component (communication device, col 6, ln 45-50), a first mechanism (a receiver (4), col 6, ln 53-55), data (speed signal, col 6, ln 53-55/ traffic information, col 1, ln 58-62), an immediate vicinity in a peer fashion (a vehicle can send information to another following vehicle behind at a distance through the medium of a vehicle on adjacent path, col 2, ln 35-40), a first mechanism which receives received data from an immediate vicinity in a peer fashion(col 2, ln 24-32/ ln 62-68/ col 6, ln 53-55), a second mechanism(a receiver output for transmitting , col 6, ln 55-60), a second mechanism which transmits transmitted data to another moving vehicle in immediate vicinity in said peer to peer fashion(col 2, ln 63-68), a third mechanism(navigation unit , col 4, ln 40-49), stored data(the data from the self-position identifier 11, col 4, ln 40-45), processed information(navigation information, col 1, ln 62-66/ col 4, ln 40-49/ generated signals, col 6, ln 55-60), a third mechanism for processing said received (navigation unit, col 4, ln 39-46), a third mechanism for aggregating and processing said received data with stored data, thereby producing processed information(col 4, ln 39-46/ col 5, ln 60-65), a fourth mechanism for providing said processed

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information to respective user of the moving vehicles, said processed information pertaining to the moving vehicle, col 4, ln 45-55/ col 6, ln 55-62), wherein at least a portion of said processed information changes with time(col 5, ln 43-49/ ln 60-65). Shyu does not explicit teach aggregating. However, Shyu teaches aggregating (generates/ calculate, col 4, ln 42-46 / col 5, ln 6-11 and ln 45-49). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the teaching of Shyu because Shyu's aggregating would facilitate navigation of shyu's system by allowing the transference of traffic information among vehicles without requiring any central computer, satellites or roadside posts.

6. **As to claim 47**, Shyu teaches automobiles, marine vehicles and aviation vehicles (col 2, ln 19-23).

7. **As to claim 48**, Shyu teaches a portion of said stored data is provided by a sensor within at least one of the moving vehicles (col 3, ln 10-15 / col 5, ln 50-55).

8. **As to claim 49**, Shyu teaches at least a portion of said stored data is selected from the group consisting of vehicle velocity, direction of movement, lights status, wiper status, tracking system status, engine revolutions per minute, wind speed, cloud density, temperature, and barometric pressure (col 5, ln 38-45).

9. **As to claim 50**, Shyu teaches processed information includes at least one information type selected from the group consisting of traffic status, service information, and instantaneous information messages (col 5, ln 15-20).

10. **As to claim 52**, Shyu teaches stationary network component (col 1, ln 45-48).

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11. As to **claim 53**, Shyu teaches a site selected from the group consisting businesses, hotels, parking garages, restaurants, tourist attractions, maintenance centers, control towers, weather stations, and light houses (col 4, ln 58-65).

12. As to **claim 54**, Shyu teaches transmitted data is broadcast simultaneously to at least two of the motor vehicles in said peer-to-peer fashion (col 2, ln 20-26).

13. As to **claim 57**, it is an apparatus claim of claim 46; therefore, it is rejected for the same reason as claim 46 above.

14. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shyu (US. Patent 5,428,544) in view of Panizza (US. Patent 4,706,086).

15. As to **claim 51**, Shyu teaches said storage for storing said receive data (col 4, ln 39-41), a geographical location detector for outputting geographical locations for associating with said transmitted data and said received data (col 4, ln 7-14).

16. Shyu do not teach a control unit for controlling said fist mechanism and said second mechanism. However, Shyu teaches a control unit for controlling said fist mechanism and said second mechanism (control unit 3, col 4, ln 66-67/ Fig. 1).

17. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Shyu and Panizza because panizza's a control unit for controlling would improve the integrity of Shyu's system by allowing the driver of a motor vehicle to be provided automatically and extremely quickly with information about the traveling conditions.

18. Claims **55, 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shyu (US. Patent 5,428,544) in view of Gutierrez (Us. Patent 6,643,579 b1).

19. As to claims **55, 56**, Shyu do not explicit teaches marine vehicles and aviation vehicles. However, Gutierrez teaches marine vehicles and aviation vehicles (Marine, all types of aircraft, watercraft, col 1, ln 20-25/ ln 54-56).

20. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Shyu and Gutierrez because Gutierrez's marine vehicles and aviation vehicles would increase the flexibility of Shyu's system by improving the air traffic control systems.

Response to the argument

21. Applicant's arguments filed 02/01/2005 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims. Shyu's references meet the amended claims.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 20, 2005


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